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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,683	10/05/2001	Mark Steven Lahiff	200-0225 KAV	8974

28787 7590 09/03/2004

DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304

EXAMINER

RUTHKOSKY, MARK

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,683

Applicant(s)

LAHIFF, MARK STEVEN

Examiner

Mark Ruthkosky

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 2/7/2002 has been placed in the application, and the information referred to therein has been considered as to the merits.

Drawings

The drawings filed on 10/5/2001 have been approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Woody et al. (US 6,488,345.)

The instant claims are to a method for dissipating electrical power in a vehicle comprising a fuel cell power system for generating electricity and a regenerative braking system for converting kinetic energy to electrical energy, said fuel cell power system comprising a fuel cell stack of at least one fuel cell for generating electrical power and a compressor for delivering gas containing oxygen to the fuel cell stack, said method

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comprising determining an amount of electrical power to be dissipated; operating the compressor to draw electric current as required to dissipate the amount of electrical power; and valving the compressor to reduce the delivery of gas to the fuel cell stack.

Woody et al. (US 6,488,345) teaches a method for dissipating electrical power in a vehicle comprising a fuel cell power system for generating electricity and a regenerative braking system for converting kinetic energy to electrical energy. The fuel cell power system comprises a fuel cell stack for generating electrical power and a compressor for delivering gas containing oxygen to the fuel cell stack. The method comprises determining an amount of electrical power to be dissipated; operating the compressor to draw electric current as required to dissipate the amount of electrical power; and valving the compressor to reduce the delivery of gas to the fuel cell stack (claims 18-25, column 4, and column 5, lines 1-15 and 48-65.) Valves are noted for air flow and venting. The backpressure valve adjacent to the compressor may be opened to allow for airflow or closed which creates vacuum conditions. The system powers various loads including fans, pumps, compressors and batteries (column 4, lines 10-20 and 30-35.) The minimum amount of electrical power produced by the fuel cell is zero when no fuel or oxidant is added to the fuel cell. A storage battery, which can be charged by the braking system or the fuel cell, is noted in col. 3, lines 55+ and col. 4, lines 10-20. The loss of air from the compressor to the atmosphere is an inefficient manner of operating the compressor. Figures 3-4 show a controller and power distribution device for providing power to respective loads. Thus, the claims are anticipated.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references include general teachings and relevant features as to the state of the art at the time of the invention.

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky
Primary Patent Examiner

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Mark Ruthkosky
8/30/04